IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 13567 of 2004

Between:

Smt.G.Radhamma, W/o.Eswar Reddy, R/o.Bommeparthy village, Rapthadu Mandal, Anantapur Dist.

... PETITIONER

AND

1 The Govt.of A.P.,Food, Civil Supplies and Consumer Affairs Dept., Secretariat, Hyderabad.
2 The Revenue Divisional officer, Anantapur.
3 The Mandal Revenue officer, Rapthadu Mandal, Anantapur Dist.

4 Y. Asuma W/o. Satyanarayana Reddy, Aged about 22 years, R/o. Bommaparthy Village, Rapthadu Mandal, Andantapur Dist.

(R4 is impleaded as per Court order dated 12.04.2005 in WPMP.No.9234 of 2005)

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the notification issued by the 2nd respondent in Rc.No.D1/CS/917/ 2004 dated 25-7-2004 as illegal arbitrary and consequently direct the 2nd respondent to continue the petitioner as fair price shop dealer

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.4: MR B. ANJANEYULU

The Court made the following order:

ORDER:

Petitioner questions the notification dated 25.07.2004 calling for the applications to fill up the vacant posts of Fair Price Shop Dealership in accordance with the guidelines prescribed in G.O.Ms.No.198 F & Cs dated 05.02.1997, G.O.Ms.No. 671 dated 30.11.1995 and G.O.Ms.No. 99 dated 22.10.1998.

It is stated that the notification to fill up the fair price shop dealership posts, in respect of the Bommeparthy village, Rapthadu Mandal, Anantapur District, reserved for O.C – women, was issued pursuant to the said G.Os.

Learned counsel appearing for the petitioner as well as the respondents submit that the said G.Os. have no force of law in view of the latest G.O.Ms.No.53 dated 06.10.2003 and the said G.Os. mentioned in the said notification have been superceded and therefore, a fresh notification has to be issued keeping in view the guidelines prescribed in G.O.Ms.No.53 dated 06.10.2003.

Accordingly, the writ petition is allowed directing the respondents to issue a fresh notification calling for applications to fill up the vacant posts of Fair Price Shop Dealership in respect of Bommeparthy village, in accordance with rules within eight weeks from the date of receipt

of this order and till then the petitioner, who is a temporary fair price shop dealer, may be permitted to continue. No costs.

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V. ESWARAIAH, J

April 12, 2005

Dsk

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this

Tuesday the Twelfth Day of April Two Thousand and Five.

Note: Furnish copy in one week.

(B/o)

Dsk

To

1 The Secretary, Govt.of A.P., Food, Civil Supplies and Consumer Affairs

Dept., Secretariat, Hyderabad.
2 The Revenue Divisional officer, Anantapur.
3 The Mandal Revenue officer, Rapthadu Mandal, Anantapur Dist.

4 Two CCs to GP For Civil Supplies, High Court Buildings, Hyderabad (OUT)

Two CD Copies.